



BILLING CODE: 4510-26-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2007-0043]

TUV SUD America, Inc.: Grant of Expansion of Recognition and Modification to the NRTL Program's List of Appropriate Test Standards

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for TUV SUD America, Inc. as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces the final decision to add two test standards to the NRTL Program's list of appropriate test standards.

DATES: The expansion of the scope of recognition becomes effective on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693-1999; email: meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693-2110 or email: robinson.kevin@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of TUV SUD America, Inc. (TUVAM) as a NRTL. TUVAM's expansion covers the addition of eight test standards to the NRTL scope of recognition, two of which OSHA will add to the NRTL Program's List of Appropriate Test Standards.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the *Federal Register* in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational webpage for each NRTL, including TUVAM, which details the NRTL's scope of recognition. These pages are available from the OSHA website at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

TUVAM submitted an application, dated May 26, 2021, to expand their recognition as a NRTL to include eight additional test standards (OSHA-2007-0043-0038). OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing TUVAM's expansion application in the *Federal Register* on February 18, 2022 (87 FR 9387). The agency requested

comments by March 7, 2022, but it received no comments in response to this notice.

OSHA is now proceeding with this final notice to grant expansion of TUVAM's scope of recognition and modification to the NRTL Program's List of Appropriate Test Standards.

To obtain or review copies of all public documents pertaining to TUVAM's application, go to <http://www.regulations.gov> or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. Docket No. OSHA-2007-0043 contains all materials in the record concerning TUVAM's recognition. **Please note:** Due to the COVID-19 pandemic, the Docket Office is closed to the public at this time but can be contacted at (202) 693-2350 (TTY (877) 889-5627).

II. Final Decision and Order

OSHA staff examined TUVAM's expansion application, its capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that TUVAM meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed in this notice. OSHA, therefore, is proceeding with this final notice to grant TUVAM's scope of recognition. OSHA limits the expansion of TUVAM's recognition to testing and certification of products for demonstration of conformance to the test standards listed below in Table 1.

Table 1

**List of Appropriate Test Standards for Inclusion in
TUVAM's NRTL Scope of Recognition**

Test Standard	Test Standard Title
UL 698A	Industrial Control Panels Related to Hazardous (Classified) Locations
UL 1004-9	Standard for Form Wound and Medium Voltage Rotating Electrical Machines
UL 60947-1	Low-voltage Switchgear and Controlgear – Part 1: General Rules

Test Standard	Test Standard Title
UL 60947-4-1	Standard for Low-voltage Switchgear and Controlgear – Part 4-1: Contactors and Motor-Starters – Electromechanical Contactors and Motor-Starters
*UL 60947-4-2	Low-voltage Switchgear and Controlgear – Part 4-2: Contactors and Motor-Starters – Electromechanical Contactors and Motor-Starters
UL 60947-5-1	Low-voltage Switchgear and Controlgear – Part 5-1: Control Circuit Devices and Switching Elements – Electromechanical Control Circuit Devices
UL 60947-5-2	Low-voltage Switchgear and Control Gear – Part 5-2: Control Circuit Devices and Switching Elements – Proximity Switches
*UL 60947-5-5	Standard for Low-voltage Switchgear and Controlgear – Part 5-5: Control Circuit Switches and Switching Elements – Electrical Emergency Stop Device with Mechanical Latching Function

*Represents the standards that OSHA is adding to the NRTL Program's List of Appropriate Test Standards

In this notice, OSHA also announces the final decision to add two new test standards to the NRTL Program's List of Appropriate Test Standards. Table 2 below lists the standards that are new to the NRTL Program. OSHA has determined that these test standards are appropriate test standards and will add them to the NRTL Program's List of Appropriate Test Standards.

Table 2
Standards OSHA Is Adding to the NRTL Program's
List of Appropriate Test Standards

Test Standard	Test Standard Title
UL 60947-4-2	Low-voltage Switchgear and Controlgear – Part 4-2: Contactors and Motor-Starters – Electromechanical Contactors and Motor-Starters
UL 60947-5-5	Standard for Low-voltage Switchgear and Controlgear – Part 5-5: Control Circuit Switches and Switching Elements – Electrical Emergency Stop Device with Mechanical Latching Function

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, the use of the designation of the standards-developing organization for the standard as opposed to the ANSI designation may occur. Under the NRTL Program's policy (see OSHA Instruction CPL 01-00-004, Chapter 2, Section VIII), only standards determined to be appropriate test standards may be approved for NRTL recognition. Any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, TUVAM must abide by the following conditions of the recognition:

1. TUVAM must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. TUVAM must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. TUVAM must continue to meet the requirements for recognition, including all previously published conditions on TUVAM's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of TUVAM, subject to the limitations and conditions specified above. OSHA also adds two standards to the NRTL Program's List of Appropriate Test Standards.

III. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8-2020 (85 FR 58393, September 18, 2020) and 29 CFR 1910.7.

Signed at Washington, DC, on March 22, 2022.

James S. Frederick,
Deputy Assistant Secretary of Labor for Occupational Safety and Health.